

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
6:30 P.M.**

September 17, 2002

MINUTES

1. Call to Order

Mayor Mike Simpson called the Meeting to order at 6:30 p.m. and announced that the meeting had been posted in a timely manner and that a quorum of Council members was present.

Council present: Mayor Mike Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Allen, Council member Nichols, Council member Lafata and Council member West.

Staff present were: City Manager George Purefoy, Assistant City Manager Jason Gray, Assistant City Manager Scott Young, City Engineer Frank Jaromin, Director of Planning John Lettelleir, City Attorney Richard Abernathy and City Secretary Nan Parker.

2. Invocation

Mayor Simpson offered the invocation.

3. Pledge of Allegiance

Deputy Mayor Pro-Tem Maso led the audience in the Pledge of Allegiance.

4. Citizen Input. (To begin approximately at 7:30 p.m.)

The council opened the meeting for citizen input at 7:30 p.m.

5. Reports

- a) Collin County Commissioner Phyllis Cole presented the City with a check for \$250,000 as part of the 1999 Collin County Bond Fund.

b) Monthly Financial Report

No discussion.

c) Public Works Report

No discussion.

d) Project Status Tracking Reports

Discussion only, no formal action was taken.

e) Joint City Council/FISD Board Work Session Report

Mayor Simpson updated the audience on the Joint City Council and Frisco ISD Board of Trustees Meeting held on Tuesday, September 10, 2002. The Council reviewed follow-ups items as a result of the meeting, including:

Update Council on the status of expanding the hours of school zones where we have middle schools and elementary schools next to each other.

Also requested an update on the need to expand/extend school zones where side-walks are not available for bike riders. Specifically looking for legal review of potential liability.

Other follow-up from the meeting to look into the school district's request to be exempted from the city's SUP requirements.

Discussion only, no formal action was taken.

6. Consent Agenda

The Consent Agenda was considered for approval. Assistant City Manager Scott Young requested that the council remove Item F for separate discussion. Council member Nichols moved to remove Item F. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Deputy Mayor Pro-Tem Maso moved to approve the Consent Agenda, excluding Item F. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

A. Approval of the minutes of the Regular City Council Meeting of September 3, 2002. (City Secretary)

B. Approval of 380 Sales Tax Grant Payment to General Growth Properties in the amount of \$336,897.77 for the 3rd Quarter of Fiscal Year 2002. (City Manager/KH)

- C. Approval of Advance Number 11 in the amount of \$3,559,959.37 to the H.C.Beck, Ltd. for Development Improvements for the Sports Complex. (City Manager/SY)
- D. Approval of Section 380 Sales Tax Grant Payment to Briar Preston Ridge Shopping Center in the amount of \$49,647.88 for the 3rd Quarter for Fiscal Year 2002. (City Manager/KH)
- E. Award of bid number 0208-035 for the Annual Contract for Copying and Printing. (City Manager/KH)
- F. **Consider and act upon award of bid 0207-029 for Clearing of Land, Grading, and Installation of Water Line and Appurtenances to Premier Drilling Company in the amount of \$50,750.00. (City Manager/KH)**

Staff recommended the item be tabled. Following discussion, Council member Nichols moved to **table** the item. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

- G. Authorization for the Fire Department to purchase a new fire engine from Emergency Vehicles of Texas at a cost of \$486,450.00. (Fire Department)
- H. Approval of payment of Invoice Number 18 to Architects Phelps/Wood in the amount of \$1,243.75 for costs associated with the construction of Fire Station 4. (Fire Department)
- I. Approval of payment of Contractor's Application for Payment Number 11 in the amount of \$59,850.23 to Owen Commercial Construction, Inc. for the construction of Fire Department Station 4. (Fire Department)
- J. Approval Professional Services Payment, Invoice Number 0014250 in the amount of \$2,166.38 for Frisco Senior Center basic services to F&S Partners. (Parks and Recreation)
- K. Approval Professional Services Payment, Invoice Number 0014252 in the amount of \$1,500.00 for Frisco Senior Center Programming to F&S Partners. (Parks and Recreation)
- L. Adoption of **Resolution No. 02-09-140R** therein authorizing the City Manager to sign an Agreement by and between the City of Frisco and TRG Consulting, L.L.C. for the design services for the reconstruction of Fourth Street between Maple and Beech Streets. (Engineering)

- M. Approval of Pay Application Number 1 in the amount of \$70,624.90 to JG Builders, Inc. for contract work for Downtown Parking Lot Projects. (Engineering)
- N. Approval of Pay Application Number 2 in the amount of \$79,523.61 to John Burns Construction for contract work for Miscellaneous Sanitary Sewer Improvements. (Engineering)
- O. Approval of payment of Invoice Number 6581 in the amount of \$38,000.00 to Wier & Associates, Inc. for contract work on 3rd/4th/6th/Pecan/Hickory Streets. (Engineering)
- P. Adoption of **Ordinance No. 02-09-98** amending Ordinance Numbers 00-09-16 and 01-04-30 (Engineering Design Standards and Construction Details, Section 3 and Section 4). (Engineering)
- Q. Adoption of **Ordinance No. 02-09-99** repealing Ordinance Numbers 84-02-05, 84-02-07, and 86-10-05 and adopting Engineering Design Standards and Construction Details, Section W and Section S of the Construction Specifications and Sheets W01-W20 and Sheets S01-S16 of the Standard Construction Details. (Engineering)
- R. Adoption of **Resolution No. No. 02-09-141R** calling for a Public Hearing regarding expanding the boundaries of Reinvestment Zone Number 1, City of Frisco, Texas, amending the project plan and financing plan for the Zone. (City Manager/JG)
- S. Approval payment for Invoice # 220756 in the amount of \$21,268.28 from Geo-Marine, Inc. regarding City of Frisco Riparian and Wetland Study. (Planning Dept. – JW)
- T. Approval payment of Invoice Numbers 1, 2, and 3 in the amounts of \$76,885.00, \$46,225.00, and \$35,835.00 to Hunt Construction Group in accordance with the Owner's Representative Agreement for work regarding the Frisco Sports Complex. (City Manager's Office/SY)

END OF CONSENT AGENDA

7. Legislative Agenda

The Legislative Agenda was considered for approval. Mayor Pro-Tem Reveal moved to approve the Legislative Agenda as submitted. Council member West seconded the motion. Motion carried. Vote: unanimous.

- A. Adoption of **Ordinance No. 02-09-100** amending the Subdivision Regulation Ordinance regarding criteria and procedures for vesting of plans and permits. Subdivision Amendment SA2002-0004. Applicant(s): City of Frisco (Planning Dept – DM)
- B. Adoption of **Ordinance No. 02-09-101** therein granting a Specific Use Permit SUP2002-0008 for a Child Day Care Center on 2.4± acres on the south side of Warren Parkway; 700± feet west of Hillcrest Road. Zoned Commercial-1. Neighborhood #29. Applicant(s): Devinder Rondahawa (Planning Dept – DM)
- C. Adoption of **Ordinance No. 02-09-102** therein rezoning 74.7± acres at the southeast corner of the Dallas North Tollway and Gaylord Parkway from Planned Development-25-Business Center to Planned Development-Mixed Use. Neighborhood #35. Applicant(s): Southwest Sports Group. Zoning Case Z2001-0030. (Planning Dept. – MH)
- D. Adoption of **Ordinance No. 02-09-103** therein amending the Comprehensive Zoning Ordinance to modify the exterior construction material requirements in the Original Town Commercial and Original Town Residential districts. Zoning Case ZA2002-0017. Applicant(s): City of Frisco (Planning Dept. – TC)
- E. Adoption of **Ordinance No. 02-09-104** therein amending the Comprehensive Zoning Ordinance to establish Downtown Architectural Design Standards which include, but are not limited to, architectural forms, building materials, color, landscaping and screening requirements for the Original Town Commercial and Original Town Residential districts. Zoning Case Z2002-0020. Applicant(s): City of Frisco (Planning Dept. – TC)
- F. Adoption of **Ordinance No. 02-09-105** therein repealing Ordinance No. 95-10-13 for Regulations Regarding Hazardous Materials located in the City of Frisco. (Fire Department)

END OF LEGISLATIVE AGENDA

Regular Agenda:

8. Consider and act upon adoption of an Ordinance Canvassing the Election Results. (City Secretary)

The Council reviewed the results of the September 14, 2002 Bond Election. Following discussion, Mayor Pro-Tem Reveal moved to adopt **Ordinance No. 02-09-106** therein canvassing the election returns of the September 14, 2002 Bond Election. Council member West seconded the motion. Motion carried. Vote: unanimous.

Jim Joyner, Chair of the Citizen Bond Committee was present to present the Council with a sign from the Heritage Association directing voters to Acker Elementary School on Election Day and the original results of the tabulated votes as they were called in on September 14, 2002.

9. Consider and act upon adoption of an Ordinance establishing an Affordable Housing Trust Fund/Board and the provision of initial funding for such fund. (City Manager)

Janet MacCubbin was present to address the council regarding the proposed ordinance that would establish an Affordable Housing Trust Fund and Board. Ms. MacCubbin read to the council some results of an "Affordable Housing Survey" that was circulated over the week prior to the meeting.

Ms. MacCubbin reviewed her recommended modifications to the Trust Fund Board Ordinance as attached to and made a part of these minutes (See Attachment A). The general consensus of the council was in agreement with the modifications; however, the council stated they would not approve the expenditure of any funds until the by-laws are drafted and adopted.

Following discussion, Council member Allen moved to **table** the adoption of the ordinance to allow for modifications to be made. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

City Secretary Nan Parker was instructed advertise for board applicants.

10. Consider and act upon the appointment of additional committee members to the Ad Hoc Workforce Housing Committee. (City Manager)

No action was taken. Council was in agreement that the item would not be brought back at a later date.

11. Consider and act upon adoption of an Ordinance amending the budget for the City of Frisco for budget year beginning 10/1/01 and adoption of a budget and appropriating resources for the City of Frisco Budget Year beginning 10/1/02. (Administrative Services)

Nell Lange, Director of Administrative Services, was present to address the Council regarding the amending the budget for the City of Frisco for the budget year beginning 10/1/01. Following discussion, Mayor Pro-Tem Reveal moved to adopt **Ordinance No. 02-09-107** therein amending the amending the budget for the City of Frisco for budget year beginning 10/1/01 and adoption of a budget and appropriating resources for the City of Frisco Budget Year beginning 10/1/02. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal requested that all the explanation documentation be added to the city's Web site.

12. Consider and act upon adoption of an Ordinance amending the budget for the Frisco Community Development Corporation for budget year beginning 10/1/01 and adoption of a budget and appropriating resources for the Frisco Community Development Corporation Budget Year beginning 10/1/02. (Administrative Services)

Director of Administrative Services Nell Lange was present to address the council regarding amending the budget for the Frisco CDC for budget year beginning 10/1/01 and adopting the budget beginning 10/1/02.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Ordinance No. 02-09-108** therein amending the budget for the Frisco Community Development Corporation for budget year beginning 10/1/01 and adoption of a budget and appropriating resources for the Frisco Community Development Corporation Budget Year beginning 10/1/02. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

13. Consider and act upon adoption of an Ordinance amending the budget for the Frisco Economic Development Corporation for budget year beginning 10/1/01 and adoption of a budget and appropriating resources for the Frisco Economic Development Corporation Budget Year beginning 10/1/02. (Administrative Services)

Council member Allen stepped down from the table due to a possible conflict of interest (board member of the FEDC).

Director of Administrative Services Nell Lange was present to address the council regarding amending the FEDC budget for the budget year beginning 10/1/01 and adopting the budget for the budget year beginning 10/1/02.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Ordinance No. 02-09-109** therein amending the budget for the Frisco Economic Development Corporation for budget year beginning 10/1/01 and adoption of a budget and appropriating resources for the Frisco Economic Development Corporation Budget Year beginning 10/1/02. Council member Lafata seconded the motion. Motion carried. Voting for: Council member Nichols, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Lafata and Council member West. Abstaining: Council member Allen.

14. Consider and act upon adoption of an Ordinance levying the Tax Rate for the City of Frisco, Texas for the Tax Year 2002. (Administrative Services)

Council member Allen moved to adopt **Ordinance No. 02-09-110** therein levying the Tax Rate for the City of Frisco for the Tax Year 2002 at .337049. Council member West seconded the motion. Motion carried. Vote: unanimous.

15. Consider and act upon adoption of a Resolution adopting the 2002 Official Tax Roll as approved by the Collin County Appraisal Review Board and with the amount of tax affixed to each account. (Administrative Services)

Council member Allen moved to adopt **Resolution No. 02-09-142R** therein adopting the 2002 Official Tax Roll as approved by the Collin County Appraisal Review Board and with the amount of tax affixed to each account. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

16. Consider and act upon adoption of a Resolution to amend the agreement between the Frisco Municipal Utility District and the City of Frisco and authorize the City Manager to execute the amendment. (Administrative Services)

Director of Administrative Services Nell Lange was present to address the council regarding an amendment to the agreement by and between the Frisco Municipal Utility District and the City of Frisco.

Following discussion, Council member Allen moved to adopt **Resolution No. 02-09-143R** therein amending the Agreement by and between the City of Frisco and Frisco Municipal Utility District and authorizing the City Manager to sign the agreement. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

17. Public Hearing – Consider and act upon approval of a Replat: Starwood Phase 4, Village 18, Block J, Lots 27 and 28, Two Patio Home lots on 1.1± acres on the east side of Oak Knoll Lane, 300± feet north of Lockwood Lane. Zoned Planned Development-106-Single-Family. Neighborhood #22. Applicant(s): Blue Star Land L.P. (Planning Dept. - CC)

Council member Allen moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations. He stated that the replat would remove a “no build” easement from the Plat on Lot 27.

Steve Roberts, Custom Builder, was present to address the council requesting their approval of the request. He stated that it was the intent to preserve as many trees as possible.

There being no one else present to address the council, Council member West moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member West moved to approve the request. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

18. Zoning and Plats related to Tuscany Meadows and Tuscany Square:

A. Public Hearing: Zoning Case Z2002-0016, Consider and act upon approval of a request to rezone 35.5± acres at the southeast corner of Wade Boulevard and Ohio Drive from Multifamily-2 to Single Family-5

(31.7± acres) and Townhome (3.8± acres). Neighborhood #24. Applicant(s): Legacy Homes (Planning Dept. - MH)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Deputy Mayor Pro-Tem Maso moved to approve the request rezone 35.5± acres at the southeast corner of Wade Boulevard and Ohio Drive from Multifamily-2 to Single Family-5 (31.7± acres) and Townhome (3.8± acres). Neighborhood #24. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

B. Consider and act upon adoption of an ordinance rezoning 35.5± acres at the southeast corner of Wade Boulevard and Ohio Drive from Multifamily-2 to Single Family-5 (31.7± acres) and Townhome (3.8± acres). Neighborhood #24. Applicant(s): Legacy Homes. Zoning Case Z2002-0016. (Planning Dept. - MH)

Deputy Mayor Pro-Tem Maso moved to adopt **Ordinance No. 02-09-111** therein rezoning 35.5± acres at the southeast corner of Wade Boulevard and Ohio Drive from Multifamily-2 to Single Family-5 (31.7± acres) and Townhome (3.8± acres). Neighborhood #24. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

C. Consider and act upon adoption of an ordinance rezoning 13.7± acres on the west side of Hillcrest Road at Jereme Trail from Retail to Single-Family-4. Neighborhood #24. Zoning Case Z2001-0024. Applicant(s): Legacy Homes (Planning Dept. - MH)

Deputy Mayor Pro-Tem Maso moved to adopt **Ordinance No. 02-09-112** therein rezoning 13.7± acres on the west side of Hillcrest Road at Jereme Trail from Retail to Single-Family-5. Neighborhood #24. Zoning Case Z2001-0024. Voting Aye: Council member Allen, Deputy Mayor Pro-Tem Maso, and Council

member Lafata. Voting Nay: Council member Nichols and Council member West. Motion carried. Vote: 4-2.

D. Consider and act upon approval of a Revised Preliminary Plat: Tuscany Meadows, 152 Single Family-5 lots on 46.0± acres on the northwest corner of Hillcrest Road and Jereme Trail. Zoned Multifamily-2 and Retail. Requested zoning for the Retail portion of the property is Single Family-5. Neighborhood #24. Applicant(s): Legacy Homes (Planning Dept. – MH)

Deputy Mayor Pro-Tem Maso moved to approve the Revised Preliminary Plat: Tuscany Meadows, 152 Single Family-5 lots on 46.0± acres on the northwest corner of Hillcrest Road and Jereme Trail subject to:

1. City Council adoption of an ordinance rezoning the Retail portion of the property to Single Family-5.
2. Final acceptance of Tuscany Meadows will be contingent upon final acceptance of the portion of Ohio Drive adjacent to this subdivision.
3. Modifying the Jereme Trail intersection where a right out only is installed to force traffic south on Hillcrest. Intersection design subject to City Engineer approval.

Council member Lafata seconded the motion. Voting for: Council member Allen, Council member Nichols, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso and Council member Lafata. Voting against: Council member West. Motion carried. 5-1.

E. Consider and act upon approval of a Revised Preliminary Plat: Tuscany Square, 196 Townhome lots on 29.4± acres on the west side of Hillcrest Road, 500± feet south of Jereme Trail. Zoned Townhome and Multifamily-2. Requested zoning is Townhome. Neighborhood #24. Applicant(s): Legacy Homes (Planning Dept. - MH)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Following discussion, Deputy Mayor Pro-Tem Maso moved to approve the Revised Preliminary Plat: Tuscany Square, 196 Townhome lots on 29.4± acres on the west side of Hillcrest Road, 500± feet south of Jereme Trail subject to:

1. Final acceptance of Tuscany Square will be contingent upon final acceptance of the portion of Ohio Drive adjacent to this subdivision to provide the required two points of access.

2. Final acceptance for Tuscany Square will be contingent upon final acceptance of the proposed Tuscany Meadows subdivision to provide the required two points of access.
3. City Council approval of zoning case Z2002-0016 and adoption of the associated ordinance.

Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

19. Public Hearing: Zoning Case Z2002-0018, Consider and act upon approval of a request to rezone 20.8+ acres on the south side of Main Street, 1,200± feet east of Teel Parkway from Agricultural to Information & Technology. Neighborhood #41. Applicant(s): Grace Avenue United Methodist Church (Planning Dept. - MW)

Council member West moved to open the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Mike Walker, Senior Planner, was present to address the council regarding the Planning & Zoning Commission and staff's recommendations.

There being no one else present to address the council, Council member West moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Deputy Mayor Pro-Tem Maso moved to approve the request to rezone to Information & Technology. Council member West seconded the motion. Motion carried. Vote: unanimous.

20. Public Hearing: Specific Use Permit 2002-0014, Consider and act upon approval of a request for a Specific Use Permit for a Beer and Wine Package Establishment that derives more than 75 percent of its revenue from the sale of beer and wine on 0.03+ acre 150+ feet west of Preston Road, 450+ feet south of Warren Parkway. Zoned Planned Development-25. Neighborhood #35. Applicant(s): The Vintner's Daughter (Planning Dept. - MW)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Jennifer Simpson, applicant was present to address the council requesting their approval of the SUP.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Lafata moved to approve the request subject to the following conditions:

1. The Specific Use Permit shall expire seven years from the date of approval of the ordinance granting the Specific Use Permit.
2. The use of neon signage is prohibited.
3. Hours of operation shall be consistent with current TABC regulations.
4. Alcohol sales shall be limited to wine only.
5. No cigarette or chewing tobacco sales. Cigar sales to be permitted.

Council member Allen seconded the motion. Motion carried. Vote: unanimous.

21. Zoning and Plats related to Warren Sports Complex

A. Public Hearing: Zoning Case Z2002-0019, Consider and act upon approval of a request to rezone 107.0+ acres on the southeast corner of Eldorado Parkway and North County Road from Agricultural and Planned Development-71-Single-Family-4 to Single-Family -3. Neighborhood #11. Applicant(s): City of Frisco (Planning Dept. - LS)

Council member West moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Mike Walker, Senior Planner, updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Council member Lafata moved to close the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to approve the request to rezone 107.0+ acres on the southeast corner of Eldorado Parkway and North

County Road from Agricultural and Planned Development-71-Single-Family-4 to Single-Family –3 as requested. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

B. Public Hearing: Specific Use Permit SUP2002-0015, Consider and act upon approval of a request for a Specific Use Permit for an Antenna and Antenna Support Structure, Commercial (Over 50 feet) on 107.0+ acres on the southeast corner of Eldorado Parkway and North County Road. Zoned Planned Development-71-Single-Family-4 and Single-Family-3. Neighborhood #11. Applicant(s): AT&T Wireless (Planning Dept. - LS)

Council member West moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Council member West moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request subject to City Council approval of Zoning Case Z2002-0019. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

C. Consider and act upon approval of a Site Plan & Final Plat: Frisco Warren Sports Complex Addition, Block A, Lot 1, An Antenna and 70-foot tall Antenna Support Structure with ground facilities on one lot on 107.0+ acres on the southeast corner of Eldorado Parkway and North County Road. Zoned Agricultural and Planned Development-71-Single-Family-4. Requested Zoning is Single-Family-3 with a Specific Use Permit for a Commercial Antenna and Antenna Support Structure (over 50 feet). Neighborhood #11. Applicant(s): AT&T Wireless (Planning Dept. - LS)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Greg Smith with AT&T was present to address the council requesting their approval of the Site Plan and Final Plat.

Following discussion, Mayor Pro-Tem Reveal moved to approve the request subject to:

Site Plan

City Council approval of the ordinances for Z2002-0019 and SUP2002-0015

Final Plat

Additions and/or alterations to the engineering plans as required by the Engineering Department.

Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

22. Public Hearing: Specific Use Permit SUP2002-0011, Consider and act upon approval of a request for a Specific Use Permit for a mini-warehouse on one lot on 4.9± acres located on the north side of College Parkway, 270+ west of Coit Road. Zoned Commercial-1. Neighborhood #25. Applicant(s): Frisco Storage Partners, LP (Planning Dept. - LS)

Director of Planning John Lettelleir recommended the council remand the request back to the Planning & Zoning Commission because the "Zoning Change" sign had not been placed according to policy.

Following discussion, Mayor Pro-Tem Reveal moved to remand the case back to the Planning & Zoning Commission. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

23. Zoning and Plats related to Meadowcreek

A. Public Hearing: Zoning Case Z2002-0021, Consider and act upon approval of a request to rezone 19.4± acres 560± feet north of Main Street, 2,870± feet east of F.M. 423 from Agricultural to Single Family-4. Neighborhood #44. Applicant(s): City of Frisco (Planning Dept. - MH)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Council member Lafata moved to close the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Lafata moved to approve the request to rezone 19.4± acres 560± feet north of Main Street, 2,870± feet east of F.M. 423 from Agricultural to Single Family-4. Deputy Mayor Pro-Tem Maso seconded the motion. Voting Aye: Council member Allen, Council member Nichols, Council member Lafata, Council member West and Deputy Mayor Pro-Tem Maso. Voting Nay: Mayor Pro-Tem Reveal. Motion carried. Vote: 5-1.

B. Consider and act upon approval of a Preliminary Plat: Meadowcreek, Phase II, 58 Single Family-4 lots and one open space lot on 19.4± acres 560± feet north of Main Street, 2,870± feet east of F.M. 423. Zoned Agricultural. Requested zoning is Single Family-4. Neighborhood #44. Applicant(s): Paragon/Tower 720, L.P. (Planning Dept. - MH)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Council member Allen moved to approve the request as submitted. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

24. Zoning and Plats related to Griffin Park Child Day Care Center and Office Building

A. Public Hearing: Zoning Case Z2002-0020, Consider and act upon approval of a request to rezone 3.2+ acres on the southwest corner of Eldorado Parkway and Legacy Drive from Commercial-1 to Office-1. Neighborhood #45. Applicant(s): Schuh Holdings, Ltd. (Planning Dept. - LS)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Mark Schuh was present to address the council requesting their approval of a rezoning request on the southwest corner of Eldorado Parkway and Legacy Drive from Commercial-1 to Office-1.

There being no one else present to address the council, Council member West moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Lafata moved to approve the request as Office-1. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

B. Public Hearing: Specific Use Permit SUP2002-0013, Consider and act upon approval of a request for a Specific Use Permit for a Child Day Care Center on 1.5± acres on the south side of Eldorado Parkway, 265+ feet west of Legacy Drive. Zoned Commercial – 1, requested zoning is Office – 1. Neighborhood #45. Applicant(s): Schuh Holdings, Ltd. (Planning Dept. - LS)

Council member West moved to open the public hearing. Mayor Pro-Tem Reveal moved to close the public hearing.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Council member West moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member West moved to approve the request for a Specific Use Permit for a Child Day Care Center. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

C. Consider and act upon approval of a Preliminary Site Plan: Griffin Parc, Phase I, Block A, Lots 7 & 8, A child day care center and office building on two lots on 3.2+ acres on the southwest corner of Eldorado Parkway and Legacy Drive. Zoned Commercial-1. Requested zoning is Office-1 with a Specific Use Permit for a Child Day Care Center. Neighborhood #45. Applicant(s): Schuh Holdings, Ltd. (Planning Dept. - LS)

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Following discussion, Council member Allen moved to approve the request of a Preliminary Site Plan: Griffin Parc, Phase I, Block A, Lots 7 & 8, A child day care center and office building on two lots on 3.2+ acres on the southwest corner of Eldorado Parkway and Legacy Drive subject to:

1. City Council approval of the ordinance for Specific Use Permit SUP2002-0013 for a child day care center on Griffin Parc, Phase I, Block A, Lot 7.
2. Dedication of an off-site parking easement on the plat for Griffin Parc, Phase I, Block A, Lot 8 to provide the minimum amount of parking for the day care center on Griffin Parc, Phase I, Block A, Lot 7.
3. Use of wrought iron fencing to enclose the outdoor play area.

Council member West seconded the motion. Motion carried. Vote: unanimous.

25. Public Hearing: UA2002-05 Request to abandon a portion of a twenty-five (25) foot sanitary sewer easement being a part of Hunters Creek, Phase 7, Block X, Lot 1, City of Frisco, Collin County, Texas and adoption of Ordinance approving same. Requested by Tipton Engineering, Inc. (Engineering)

Council member Lafata moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

City Engineer Frank Jaromin was present to address the council regarding the need to abandon a portion of a twenty-five (25) foot sanitary sewer easement being a part of Hunters Creek, Phase 7, Block X, Lot 1, City of Frisco, Collin County, Texas.

There being no one else present to address the council, Council member Allen moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to adopt **Ordinance No. 02-09-113** therein abandoning a portion of a twenty-five (25) foot sanitary sewer easement being a part of Hunters Creek, Phase 7, Block X, Lot 1, City of Frisco, Collin County, Texas. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

26. Consider and act upon a Resolution authorizing the City Manager to enter into negotiations with architect for future Public Works Facility. (City Manager/SY)

Assistant City Manager Scott Young updated the council on the future Public Works Facility. Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-09-144R** authorizing the City Manager to enter into negotiations with Quorum Architects for the design of future Public Works Facility. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

27. Discussion concerning city's website. (City Council/BA)

Communications and Media Relations Director Dana Baird, Assistant City Manager and City Secretary Nan Parker were present to answer questions from the Council regarding the city's website. Discussion only, no formal action was taken.

28. Governance Agenda

Monthly Governance Monitoring Reports – Discussion regarding the Governance Agenda. No action was taken.

29. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Council member Nichols moved to recess into Closed Session at 9:00 p.m. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced that the Council was in Closed Session at 9:00 p.m. as authorized by the following subsections of the Texas Government Code 551.001:

- a) Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- b) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
 - ii. south of Warren Parkway, west of Preston Road, north of SH 121, and east of the Dallas Parkway.
- c) Section 551.071. Consultation with City Attorney in which the duty of the City Attorney to the City under the Texas Disciplinary Rules

of Professional Conduct conflict with the Texas Open Meetings Act regarding the Creation of a Reinvestment Zone

- d) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. at the Frisco Sports Complex which presently secures the Guaranty Agreement executed by Southwest Sports Group, L.L.C. for the benefit of the City of Frisco dated October 8, 2001;
 - ii. at the intersection of Gaylord Parkway and Parkwood Boulevard.
- e) Evaluation of the City Manager

30. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council member Lafata moved to reconvene Regular Session at 10:00 p.m. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

31. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Items to be followed up by City Staff:

- 1. Update from Brian Moen on School Zones.
- 2. Legal Opinion regarding SUP for Frisco ISD.
- 3. Update on landscaping, lighting and other aesthetic features at the batch plants along SH 121.

32. Discussion on Governance Monitoring of present City Council Meeting.

Mayor Pro-Tem Reveal monitored the present City Council Meeting and gave a favorable rating. Discussion only, no formal action was taken.

33. Adjourn.

There being no additional business, the meeting was adjourned at 11:10 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary